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Receiver J. Clark Kelso  
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9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA**  
11 **SACRAMENTO DIVISION**

12 MEDICAL DEVELOPMENT  
13 INTERNATIONAL, a Delaware corporation,

14 *Plaintiff,*

15 v.

16 CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION,  
17 ROBERT SILLEN, individually, and as  
Receiver, and J. CLARK KELSO, as Receiver,

18 *Defendants.*  
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Case No. CV 07-02199 WBS-EFB

**DECLARATION OF MARTIN H. DODD  
AND REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF RECEIVER'S  
MOTION TO TRANSFER ACTION TO  
NORTHERN DISTRICT OF  
CALIFORNIA**

**[28 U.S.C. § 1404(a)]**

Date: January 19, 2010

Time: 2:00 p.m.

Courtroom: Hon. William B. Shubb

22 I, Martin H. Dodd, declare as follows:

23 1. I am an attorney, licensed to practice in the State of California and before this  
24 Court, and am a member of the law firm of Futterman Dupree Dodd Croley Maier LLP, attorneys  
25 for defendant Receiver J. Clark Kelso.

26 2. Attached hereto as Exhibit 1 is a true and correct copy of the Order Appointing  
27 Receiver, filed on February 14, 2006 in *Plata et al. v. Schwarzenegger et al.*, C01-1391 THE (N.  
28 D. Cal.) (the "*Plata Action*"), judicial notice of which is hereby requested. FRE 201.

3. Attached hereto as Exhibit 2 is a true and correct copy of Findings of Fact and Conclusion of Law Re Appointment of Receiver issued on October 5, 2005 in the *Plata* Action, judicial notice of which is hereby requested. FRE 201.

4. Attached hereto as Exhibit 3 is a true and correct copy of a Complaint filed by Plaintiff Medical Development International on August 11, 2008 against the California Department of Corrections and Rehabilitation ("CDCR") only in Sacramento Superior Court, judicial notice of which is hereby requested. FRE 201.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Declaration of Garret E. Dillon in Support of Petitioner Medical Development International's Application for Leave to Sue Receiver in State Court ("Dillon Declaration") filed on May 15, 2008 in the *Plata* Action, which attaches as Exhibit 1 a proposed complaint against CDCR and Receiver. I have omitted from Exhibit 4 the two other exhibits attached to it, namely Medical Development International's Opposition to Receiver's Motion to Dismiss in this action, filed on February 14, 2008, and the Court's order granting that motion. Judicial notice of the Dillon Declaration and attached complaint are hereby requested. FRE 201.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Order naming J. Clark Kelso as Receiver filed on January 23, 2008, in the *Plata* Action, judicial notice of which is hereby requested. FRE 201.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Dated: November 23, 2009

/s/ Martin H. Dodd  
Martin H. Dodd